

EXHIBIT 1

Joseph L. Grant

May 31, 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RYSTA LEONA SUSMAN, BOTH
INDIVIDUALLY AND AS LEGAL
GUARDIAN OFSHANE ALLEN
LOVELAND; AND JACOB SUMMERS,

Plaintiff,

vs.

CASE NO. 8:18CV127

THE GOODYEAR TIRE & RUBBER
COMPANY,

Defendant.

DEPOSITION OF: JOSEPH L. GRANT

DATE: May 31, 2019

TIME: 9:00 a.m.

LOCATION: A. William Roberts Jr. & Associates
6135 Park South Drive
Charlotte, NC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: SOLANGE RUIZ-URIBE, Court Reporter

A. WILLIAM ROBERTS, JR., & ASSOCIATES
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1 21-year-old tire on their vehicle?

2 A. I do, yeah. I think that's kind of way
3 beyond what's realistic. But having said that, it
4 really depends upon how well maintained and how well
5 taken care of the tire is.

6 Q. Just by age alone, I'm not talking about
7 the maintenance issue or impact or anything that
8 happened to the tire, just by age alone is there a
9 problem with a 21-year-old tire if it's in perfect
10 condition?

11 A. You can't -- well, if it's in perfect
12 condition, no. If it's been properly maintained,
13 properly taken care of, realistically there isn't
14 any real serious issue with it.

15 Q. All right. So the mere fact that this
16 tire was 21 years old, and I'm not talking about any
17 of the other issues you have in your report, you
18 don't fault somebody for having a 21-year-old tire
19 in their vehicle?

20 A. Well, I do if they don't know what the
21 history is, what the maintenance is, really know
22 what -- you know, how well that tire's been taken
23 care of, and then I definitely do. So we're talking
24 theoretical versus realistic.

25 Realistically, yeah, you wouldn't

1 want to see a 21-year tire on a vehicle unless
2 someone has an extremely good understanding and
3 knowledge that that thing has been, like you quoted,
4 perfectly maintained, perfectly taken care of.

5 Q. But let's assume there was a tire that's
6 perfectly maintained, perfectly taken care of, you
7 would have no problem with that?

8 A. It's getting -- well, first of all, it's
9 getting out there into a really unusual situation.
10 There are really not that many tires out there. But
11 having said that, yeah, tires like everything else,
12 everything ages, everything changes over time, but
13 tires age very gracefully and very slowly as long as
14 they're properly maintained and properly taken care
15 of.

16 Q. Do you know what type of warnings were
17 placed upon this tire by Goodyear about age? What
18 did it say on the side of the tire, like you need to
19 take these things off at ten years or 20 years or 25
20 years, what did it say about that?

21 A. Goodyear -- on the sidewall of the tire
22 you are saying?

23 Q. Yes.

24 A. Goodyears are similar to all other tire
25 manufacturers. You will not -- there is no age

1 limit, there is no warning from that perspective
2 because it's much more complex than being able to
3 just put a warning on the side of the tire.

4 Q. Okay. Does Goodyear have a policy in
5 place as to how long somebody should have tires on
6 the vehicle?

7 A. Goodyear's position is to -- it's my
8 understanding of their position is, you know, it's
9 not the chronological age of the tire that's
10 important, it's what's the overall condition of that
11 particular tire.

12 They are more interested in people
13 thoroughly inspecting the tire, thoroughly looking
14 at the tire and determining whether or not the tire
15 is in a good enough condition to be able to continue
16 to be used in service.

17 Q. Okay. Do you agree with that position,
18 it's not necessarily the chronological age?

19 A. Yeah, I do. Technically they are
20 absolutely correct.

21 Q. Okay. I've seen other tire manufacturers
22 put an age limit on the tire. I think Michelin
23 does, no more than ten years. Do you know -- do you
24 disagree with their opinion on that?

25 A. Well, first of all, and I apologize but I

1 first thing.

2 The second thing is the inflation
3 pressure in a tire, it's not just a tire, it's a
4 tire wheel assembly. And it's actually a tire wheel
5 valve assembly. We don't know what other wheels
6 that this tire may have been on, what the condition
7 of those wheels may have been, how corroded they may
8 have been.

9 It may have allowed for leakage
10 between the tire and the wheel. We don't know the
11 previous valves that were and what the condition of
12 the valves that this tire has been on. So we're
13 really dealing with -- all I can really offer to you
14 is that, again, in the 21-year history of the tire
15 there has been some over deflection.

16 Q. Well, you also said some over deflection
17 occurred in the last 9,000-miles.

18 A. Well, polished flanges indicate to me that
19 there is a good chance that some of it may have
20 occurred during this last portion of time and I'm
21 not -- there is no way, and I've said it before to
22 you, there is no way to really sort that out and as
23 a result I'm not overly critical of the last
24 10,000 miles.

25 I'm just telling you that during its

1 entire life there has been some history over
2 deflection, didn't cause the tire to fail, it was
3 not going to cause the tire to fail, it was not
4 going to cause the tire to fail but it's just not
5 good for the tire, and it makes the tire more
6 susceptible to things like road hazard impact
7 damage.

8 Q. So this over deflection had nothing to do
9 with the failure?

10 A. That's not what I said. I said that it
11 makes the tire weaker, it makes the tire more
12 susceptible to not being able to withstand a road
13 hazard impact, so it is part of the failure
14 analysis.

15 Q. I've got it. But you're saying -- the big
16 component here you believe is this tire hit
17 something?

18 A. Yes.

19 Q. Okay. We're going -- well, let's just do
20 it now. What did it hit?

21 A. There is no way to know exactly what it
22 hit. Obviously, it hit something that the tire
23 could not envelope or shape over without doing
24 internal damage to the structure.

25 Q. All right. I need a date, what date did

1 do a really good job of maintaining, inspecting your
2 tires, checking the inflation pressure.

3 It's critical on all tires but when
4 you get into work environments, and fleets know
5 that, and recognize that, and understand that.

6 MR. LYNCH: Move to strike as
7 nonresponsive.

8 THE WITNESS: I apologize.

9 BY MR. LYNCH:

10 Q. So you're telling me this under inflation
11 in and of itself didn't cause the tread belt
12 separation but this impact that didn't break the
13 belts did?

14 A. Yes, it definitely did. There is
15 absolutely no other answer for why -- it's
16 definitely not anything that Mr. Southwell has in
17 his report.

18 Q. And it's definitely not anything in these
19 Goodyear documents that you didn't read?

20 A. We are looking at this particular tire,
21 what happened to this particular tire. There was
22 nothing in those documents that will help you
23 understand what happened to this particular tire in
24 a very localized type of failure here that you
25 shouldn't be able to determine when you forensically

1 A. We did, we talked about three.

2 Q. All right. Four, have we talked about
3 that?

4 A. Not specifically, but I think it's pretty
5 obvious when you read it that the tire, you know,
6 has changed quite a bit since it left Goodyear's
7 control.

8 Q. The change being the impact?

9 A. Well, the change being the state of wear,
10 the history of over deflection and also the damage
11 from the localized rear hazard impact.

12 Q. But are all of these things expected by
13 Goodyear? I mean, do they expect the tread to wear?
14 Do they -- when they build this tire do they expect
15 the tread to wear?

16 A. They do, they expect the tire tread wear.

17 Q. Do they expect that some drivers are going
18 operate the same over deflative?

19 A. They do but it still changes the tire and
20 I will offer to you that Goodyear designed a really
21 good tire from that standpoint because the tire
22 wasn't failing, overall failing from it. It's
23 weakening the tire and it's trying to withstand it a
24 much as it can but, you know, it can only withstand
25 so much.